

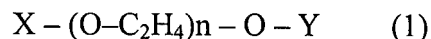
Application No. 10/669,713  
Attorney Docket No.: 031212  
Amendment Under 37 C.F.R. § 1.116

### AMENDMENTS TO THE CLAIMS

The listing of claims below replaces all prior versions of claims in the application.

1. (Currently Amended): A lithium cell comprising a positive electrode, a negative electrode having lithium, a separator interposed between the positive electrode and the negative electrode, and a non-aqueous electrolytic solution containing a solute and a non-aqueous solvent, wherein:

the non-aqueous solvent has one or more than one compound represented by the following general formula (1), the one or more than one compound being a main component of the non-aqueous solvent, and the main component being 90% to 100% by volume of the total volume of the non-aqueous solvent,



(where X and Y are independently a methyl group or an ethyl group, and n is 2 or 3);  
[[and]]

the separator has a melting point of higher than 185°C; and  
the non-aqueous solvent includes cyclic ester carbonate or cyclic lactone, the cyclic ester carbonate or the cyclic lactone being a subsidiary component.

2. (Cancelled).

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3. (Original): The lithium cell according to claim 1, wherein the solute is lithium bis (trifluoromethanesulfonyl) imide or lithium bis (pentafluoroethanesulfonyl) imide.

4. (Original): The lithium cell according to claim 1, wherein the positive electrode includes a manganese oxide.

5. (Original): The lithium cell according to claim 4, wherein the manganese oxide is a spinel type lithium manganese oxide.